

VIRGINIA MARINE RESOURCES COMMISSION

FINFISH ADVISORY COMMITTEE MEETING

VMRC CONFERENCE ROOM

21 November 2006

MEMBERS PRESENT

Jeff Deem
Robert Weagley
Scott MacDonald for Pete Nixon
Kelly Place for Douglas Jenkins
Ken Neill, III
Tom Powers
Sam Swift
Walter Rogers
Russell Gaskins
Hon. William Laine, Jr.
Hon. Ernest Bowden, Jr.

MEMBERS ABSENT

Chris Vaughan
Wynston Holbrook

VMRC STAFF

Jack Travelstead
Rob O'Reilly
Bill Bowen
Joe Grist
Lewis Gillingham

I. Introductions, Announcements

Chairman Ernest Bowden called the meeting to order at 6:10 P.M., noting traffic problems likely had some members running late.

II. Approval of the minutes from the July 18, 2006 meeting

The minutes were approved as written.

III. Update

Bill Bowen, VMRC Administration and Finance, briefed the FMAC on the new Commercial Registration licensing system that will be in place December 1, 2006 and will handle license sales for 2007. This new automated program has been "in the works" for four years and features a credit card-sized printout on thermal paper, for the individual license holder, detailing all current licenses. Fourteen agents plus two VMRC offices that currently handle approximately 80 % of license sales will sell licenses on-line. This will eliminate the need to enter data at VMRC and greatly reduce the lag-time in collecting data on license sales.

Eventually, all license sales will be available on-line, but the VMRC Operations will still accept mail-in requests for licenses. A summary detailing all these changes will be sent to each registered commercial fishermen.

IV. Old Business

a. Report of the special Striped Bass Management Review Committee

Jack Travelstead reported the Striped Bass Management Review Committee had concluded that a weight-based striped bass quota, in which eligible fishermen are assigned a quota in pounds of striped bass, based upon the percentage share of total commercial quota allocated to them, would be superior to the present tag-based quota. A weight based quota should reduce the practice of high grading and result in the harvest of fewer larger, older striped bass. The change to a strict weight based quota will require more staff time, as roughly 500 individual fishermen's quotas will require monitoring. A major concern with the new weight based system is the tracking of self market sales. Specifically, those sales directly from the harvester to individuals or businesses which are not required to have a seafood buyers license, and therefore, offer no means for verification. To ensure success of the new weight based quota system, staff is requesting nine additional changes to the current striped bass regulation. The changes are designed to aid monitoring and enforcement of the commercial striped bass quota. The Commission has agreed to advertise changes to the striped bass regulation for a public hearing and will hear this issue during their November 28 meeting. The following modifications to the striped bass regulation are proposed:

- 1) Require those fishermen who self-market their striped bass catch to provide the Commission with receipts describing those sales;
- 2) Prohibit the issuance of tags to striped bass fishermen, until all previously issued tags are accounted for;
- 3) Require fishermen to return all unused tags to the Commission, within 30 days of their quota being taken;
- 4) Prohibit transfers of quota less than 200 pounds;
- 5) Prohibit transfers of quota from December 1 through February 1;
- 6) Prohibit transfers of quota, unless the Commission verifies all prior harvest information;
- 7) Establish a processing fee of \$25.00 plus the cost of each tag, to replace lost tags.
- 8) Prohibit temporary transfer of quota unless the transferor agrees to be responsible for violations of the harvest quota by the temporary transferee.
- 9) Establish a penalty schedule for exceeding the harvest quota that include deductions of the amount of harvest in excess of the quota from the next years quota, suspension from the striped bass fishery, and revocation of the striped bass permit for two years.

Several members expressed concern regarding item 2. Specifically, when would a harvester be eligible to receive more tags? Will the Commission require the fishermen to have used all of his allotted tags? If so, more striped bass would be killed while the fishermen waited to procure more tags (assuming he has not yet harvested his allotted poundage). Mr. Travelstead stated that was not the intent, fishermen will be able to receive more tags before all their tags are used, however, the fishermen must have all of his reports up to date (number of pounds harvested) and be able to account for all of his allotment of tags (used and unused) upon making a request for additional tags.

Kelly Place stated Virginia would not catch its commercial quota of striped bass with the new system. Mr. Place was concerned Virginia may lose some of its ASMFC allocation of striped bass, if and when cut-backs are required coastwide, by not harvesting its full allotment. Further under the new system, Mr. Place speculated discards would be greatly reduced from the current two-tag system and he believed Virginia should approach the ASMFC for credit for reduced discard mortality.

Chairman Bowden and Mr. Travelstead both stated that the ASMFC for a credit was premature at this point.

Chairman Bowden, noting the night's time factor, asked the FMAC if they had any other major issues, and, if not, were they prepared to move on this issue?

Mr. Place stated he would like to make a motion, requesting the Commission direct staff to bring the issue of reduced discard mortality before the ASMFC and seek credit (in the form of more quota?).

After a brief discussion Chairman Bowden asked if there was a second to Mr. Place's motion. There was none.

Sam Swift made the following motion:

The FMAC supports the Striped Bass Management Review Committee's recommendation to change from a tag-based to a weight-based system in the commercial striped bass fishery and the nine amendments requested by staff. The motion was seconded and passed 9 in favor, 0 opposed, with 2 abstentions.

V. New Business

a. Upriver Recreational Gill Net Issues

Mr. Travelstead provided the FMAC with a copy of the document that will be submitted to the Commission next Tuesday, November 28, regarding

this issue. Staff is requesting a public hearing on this item. At issue is the improper use of recreational gill nets in upriver tidal freshwater. Most of the concern is on the James River, where a trophy blue catfish fishery has developed in recent years. The majority of these recreational gill nets are attributed to recreational blue catfish fishermen, who prefer to use fresh gizzard for bait. Gill nets are preferred over cast nets to capture gizzard shad because they are easier to use, safer to use in the winter months, and are more efficient. But, gill nets have a higher rate of by-catch and produce more dead discards. The VDGIF has documented cases where nets were abandoned on the river and other cases where the by-catch of gamefish in recreational gill nets can be high. Because VMRC licenses and regulates recreational gill nets in the tidal fresh waters, it has been requested that the VMRC address these issues where feasible.

To address the concerns previously expressed, staff met on October 19th with a group of prominent catfish fishermen, to develop solutions to the problems identified. Tom Powers also participated in the discussions and was instrumental in the group achieving consensus on the major issues. The following regulatory measures were considered and agreed upon:

- 1) Limit soak time of gill nets to one hour.
- 2) Limit length of net to 110 feet, 100 feet of webbing is the minimum quantity that can be purchased (allow a tolerance of 10 feet).
- 3) Require attendance of net, within 100 yards.
- 4) Confiscation of any unattended net.
- 5) Reporting of catches not needed at this time.
- 6) These rules should apply above the freshwater/saltwater license lines in each tributary.
- 7) There was some discussion but no agreement on what is the best way to mark ownership of the net. Some suggested name and address; others suggested license number. This issue was not resolved but the group agreed upriver gill net fishermen need relief from the marking requirements for gill nets. The use of large staffs and flags or balls on these small nets is unwieldy and can be dangerous. A more reasonable marking system using crab pot floats with reflective tape is requested.

Mr. Powers requested the FMAC support these measures but Mr. Travelstead stated no action was required by the FMAC at this time because the public hearing would not be until December.

Questions concerning commercial fishing for certain species in tidal waters were raised.

b. Update on 2007 Flounder Quota and Recreational Fishing Measures

Rob O'Reilly provided the FMAC with several handouts including an update of the 2006 Stock parameters, performance of the recreational

summer flounder fishery along the Atlantic Coast 1993 through 2006, management measures in place for each state in 2005 and 2006, the projected recreational summer flounder harvest, by state, for 2006 and each state's target, the projected target by state for 2007 comparing the Mid-Atlantic Fishery Management Council (MAFMC) target and the more restrictive NMFS target, Virginia's recreational target for 1998 through 2006, the management measures in place and the actual landings for the year through August 2006, the potential impact of a bag limit reduction on the total catch and a table showing the increasing trend in average weight of summer flounder harvested by recreational anglers 1997 through 2006. Mr. O'Reilly reminded the FMAC that no recreational regulatory changes had been made regarding summer flounder for 2006. Virginia's recreational fishery will face compounded cuts in 2007. The Total Allowable Landings (TAL), which includes commercial and recreational harvest, will likely be reduced nearly 50% from the 2006 level. Additionally, Virginia's recreational fishery is projected to be 44% over its 2006 target. Combining the two, Virginia's recreational fishery will likely see nearly a 65% cut in numbers from the 2006 level. There is still uncertainty, as the 2007 Summer flounder TAL has yet to be agreed upon by all management bodies. The NMFS has published in a proposed rule a TAL of 12.983 million pounds. The MAFMC met and approved a TAL of 19.9 million pounds. The ASMFC met, discussed various TALs but did not reach a decision. The MAFMC and ASMFC will meet December 7 and make their final decision. If a TAL of 19.9 million pounds is approved, NMFS has already outlined actions it will be forced to make, which will cause a re-distribution of the Summer flounder quota between the commercial and recreational fishery and between states (for instance, states that do not allow trawling in state waters would be penalized, as NMFS would close Federal waters when it projected the 12.983 TAL was harvested). Mr. O'Reilly described the situation as "a huge mess" but he anticipated staff will have a set of proposed regulatory options to meet whichever TAL is adopted in time for the Commission's February meeting.

c. Blueline Tilefish

Joe Grist stated staff has been monitoring a growing recreational fishery for blueline tilefish off Virginia's coast during the past year. In prior years, there was only occasional by-catch harvest of blueline tilefish by deepwater black sea bass recreational anglers, but in the past twelve months, there has been an upsurge of directed trips for blueline tilefish and other snapper-grouper species. Some charter boat operators have reported harvests on websites, with pictures, of blueline tilefish ranging from 60 to 111, in just one fishing trip. Adding even more interest to specifically targeting these deepwater inhabiting fish are five IGFA All Tackle World Record blueline tilefish, all landed in Virginia during this year. The

current record is not at 17 pounds, 7 ounces. Along with blueline tilefish, several other species with the South Atlantic Fishery Management Council's (SAFMC) Snapper-Grouper Management complex have been landed, including record setting snowy groupers. The past October, recreational anglers requested that blueline tilefish become eligible for citation awards from the state sponsored Virginia Saltwater Fishing Tournament (VSWFT), and that blueline tilefish, snowy grouper, and golden tilefish be added to the list of fish for individual state record consideration.

Mr. Grist pointed out there is limited information on the life-history of blueline tilefish exists, but we do know that this is a deepwater species, frequently found in association with other snappers and groupers, which may grow up to 32 inches and may live up to 15 years. For fish, such as blueline tilefish, there is difficulty in sustaining a stock if an increasing fishing effort occurs on a slow growing, slow maturing species. Female blueline tilefish are 100% mature with a TL >20 inches (age-6), and males are 100% mature with a TL >24 inches (age-6 is 62.5% mature). Five IGFA records set during the past year suggests this was, until recently, an unexploited population off the Virginia coast. Mr. Grist also indicted there are other snapper-grouper species of concern just to our south, such as snowy grouper, are also now being caught off the Virginia coast. Harvest restrictions along the South Atlantic coast, in response to stock declines from NC to FL, are already in place in an attempt to rebuild the coastal stock of the South Atlantic. However, blueline tilefish and snowy grouper are currently unregulated in either Virginia waters or the EEZ off the Virginia coast. A management plan for blueline tilefish, snowy grouper, and other fish commonly caught in association with them, is already in place by the SAFMC but only extends as far north as the Virginia/North Carolina border. Mr. Grist indicated that regulations in Virginia, mirroring the SAFMC, would serve as precautionary management and protect those fish off the Virginia coast from effort expansion here, and the redirection of effort due to the restrictions to the south. Mr. Grist emphasized it is not staff's desire to stop this fishery, but to utilize management measures that would protect it and provide time for the collection of needed information on life-history and stock dynamics. Mr. Grist said that cooperation from NMFS population dynamics and ageing lab in Beaufort, NC has been offered, as the groupers and tilefish off of Virginia may represent one of the last remaining virgin spawning stocks within the entire South Atlantic fishery. Mr. Grist described which additional species, commonly caught within a sub-group together with blueline tilefish, would be included, and emphasized that this was the entire SAFMC snapper grouper regulation we were mirroring, just small segment pertaining to our particular fishery.

Tom Powers asked what commercial restrictions were in place. Mr. Grist stated the commercial fishery was "somewhat wide open at present", and

there were no restrictions that applied to Virginia landings, except on golden tilefish which are regulated by the Mid-Atlantic Fishery Management Council (MAFMC). The regulatory process is underway by the SAFMC to “clamp-down” further on the commercial snapper-grouper fishery through upcoming amendments, and it would be staff’s intention to follow-up and develop comparable restrictions for Virginia waters.

Dr. Ken Neill described blueline tilefish as a federal fish and one not caught in Virginia waters. Dr. Neill stated there was no evidence that blueline tilefish were a depressed species, but were grouped amount fish, such as snowy grouper, whose populations are depressed. Hence the reason the restrictions for the snapper-grouper complex were so tight. Additionally, Dr. Neill suggested that snowy grouper was primarily a commercially caught fish. Snowy grouper are sought after because they are very valuable. Dr. Neill indicated the SAFMC regulation is very complex; it even includes spadefish, amberjacks, and even sheepshead. The SAFMC plan uses quotas and closed seasons as a tool. Would Virginia automatically be subject to those quotas and seasonal closures or would Virginia have its own quota? Dr. Neill states Virginia’s catches have not gone unnoticed at the federal level. The Mid-Atlantic Council staff is currently considering managing these fish. What the VMRC staff is proposing tonight for Virginia “doesn’t address the commercial fishery at all”. Dr. Neill asked if staff had received Harry Dorente’s proposal (no). Dr. Neill indicated that Mr. Dorente’s proposal was “more straight forward,” according to Dr. Neill and only dealt with blueline tilefish and snowy grouper. The proposal would allow recreational anglers ten blueline tilefish and one snowy grouper, and the commercial fishery would have a poundage limit. The proposal was more lenient than the SAFMC regulations and it did not include “all these other grouper we don’t even catch”. Dr. Neill judged the five fish limit for blueline tilefish from the SAFMC plan as too restrictive for Virginia, whose fishing grounds are 60 miles or more offshore. Dr. Neill indicated blueline tilefish probably average “2 to 4 pounds” and a boat traveling that distance could incur a fuel bill of up to \$300, but “I don’t have a problem with the proposal, these are just comments”.

From the audience, Chris Ludford was recognized and stated blueline tilefish were nothing new to commercial fisherman who work off the Virginia coast. Some draggers have been catching them for years while fishing for other fish. Mr. Ludford believed Virginia should have its own fishery for blueline tilefish and establish its own quota.

Mr. Powers suggested some restrictions for blueline tilefish may be warranted but perhaps not as restrictive as called for by the SAFMC regulations, and asked “Could we go somewhere in the middle”. Mr. Powers asked Mr. Neill how he felt about a ten fish limit for blueline

tilefish and a limit of three or four groupers? Mr. Neill stated that would seem more appropriate.

Mr. Grist stated that the SAFMC has not approached VMRC on this proposal, this proposal is being brought forward by staff. Further, he reminded the FMAC that the staff proposal was meant to be precautionary management to maintain the population for future use, stating “We just don’t have much information about this blueline tilefish population”. Mr. Grist also indicated this stock of fish off of Virginia may also play an important role as brood stock for the entire range, but their life history is one that will not support heavy fishery mortality.

Kelly Place asked Dr. Neill what other fish in the snapper-grouper complex he had encountered off Virginia. Dr. Neill responded that they had also seen snowy grouper, yellowedge grouper and immature Warsaw grouper.

Mr. Travelstead indicated that this issue did not have to be resolved tonight, and would be brought back up at the next FMAC meeting. Chairman Bowden agreed and suggested this topic be on the next meeting’s agenda.

d. Spiny Dogfish

Rob O’Reilly reported on the ASMFC Management Board meeting for spiny dogfish. Massachusetts proposed a 6 million pound quota for spiny dogfish (the NMFS had adopted a 4 million pound quota in federal waters), and the ASMFC Management Board adopted this limit. Individual states will be able to set trip limits for the November through April period. The quota will be divided with 58% shared by Connecticut and states to the north and 42% shared by states from New York through North Carolina. For the November through April period, Virginia will share 1,060,920 pounds of spiny dogfish. Staff plans to brief the Commission on this issue next week and ask for a public hearing in December to set the possession limit. North Carolina and New Jersey has adopted 2,000 pound trip limits. What would be appropriate for Virginia?

Sam Swift stated the quota needed to be about “ten times as high,” as spiny dogfish were eating everything and any gear put in the water was full of them.

Scott MacDonald said Virginia needed a higher limit. Mr. MacDonald referenced the last opening (November 2003 through April 2004) when the trip limit was 4,000 pounds (Virginia landed approximately 200,000 pounds). Spiny dogfish were a very cheap fish and worth just 15 to 18 cents per pound to the harvester. Mr. MacDonald would like to see an

emergency regulation to be effective as soon as possible because “we’ve got the fish now.”

Mr. Powers said his only concern was “regulatory discards.” Mr. MacDonald responded the new poundage-based striped bass quota system would mean any striped bass that was caught (assuming the individual had striped bass quota) would be kept, whereas the present two-tag system would create some discards.

Mr. MacDonald made the following motion:

The FMAC supports a 4,000 pound possession limit for spiny dogfish.
The motion was seconded and was called for a vote. 9 supported the motion, 0 opposed and 2 abstained.

The FMAC also indicated they supported the Commission adopting this motion as an emergency regulation.

Mr. Powers requested to have an update from ODU on their sheepshead research and reconvene discussion of possible restrictions for this fishery.

VI. Next Meeting

Mr. Travelstead indicated there would likely be no meeting in December but members should expect a meeting in January.

VII. Adjournment

Chairman Ernest Bowden adjourned the meeting at 8:45 P.M.

p/users/lewis/wp51/finfish12.06